

Notice of Allowability

Application No.

09/337,113

Examiner

Kambiz Abdi

Applicant(s)

HANNULA, ESKO

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1 November 2005.
2. ☒ The allowed claim(s) is/are 1-10, 14-20 and 23-27.
3. ☒ The drawings filed on 13 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

1. Prior office actions are incorporated in this office action by reference. Applicant has filed an Amendment that was received on 1 November 2005, which has been entered.

- Claims 1, 5, 15, and 23-26 have been amended.
- Claim 27 was added.
- No claim was canceled.
- Claims 1-10, 14-20, and 23-27 have been allowed.

Examiner has made amendments to claims 1, 3, 15, and 23.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with attorney Stephen J. Wyse on 2 February 2005.

The examiner under agreement by the attorney representing the applicant has amended claims 1, 3, 15, and 23.

The claims in the application have been amended as follow:

1. (Currently Amended) Apparatus for a recipient mobile terminal for facilitating the selective copying of executable content from a provider mobile terminal to the recipient mobile terminal, the content including cost indicia and being executable at the provider mobile terminal, wherein the mobile terminals are peer devices, said apparatus comprising:

a recipient-terminal downloading connector selectably operable to effectuate a first communication link with the provider mobile terminal;

a credit payment indicator for containing at least an indicia of creditworthiness of a recipient-terminal user; and

a downloading controller coupled to said payment indicator and to said downloading connector, said downloading controller for:

permitting said recipient-terminal downloading connector to effectuate the first communication link with the provider mobile terminal;

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determining whether the indicia of creditworthiness meets a selected threshold;
and

effecting the copying of the content by way of the first communication link if the determination indicates the indicia of creditworthiness meets the selected threshold,
wherein the first communication link is a peer-to-peer communication link;
wherein said downloading controller is resident in the recipient mobile terminal.

2. (Previously presented) The apparatus of claim 1 wherein the provider mobile terminal comprises a provider-terminal downloading connector and wherein said recipient-terminal downloading connector is engageable with the provider-terminal downloading connector.

3. (Currently Amended) The apparatus of claim 2 wherein a point-to-point connection the peer-to-peer communication link is formed between the provider mobile terminal and the recipient mobile terminal when said provider-terminal downloading connector engages with said recipient-terminal downloading connector.

4. (Previously presented) The apparatus of claim 3 wherein said provider-terminal downloading connector and said recipient-terminal downloading connector each comprise executable downloader programs.

5. (Previously presented) The apparatus of claim 1 wherein said recipient-terminal downloading connector comprises an downloader program executable at the recipient mobile terminal.

6. (Previously presented) The apparatus of claim 1 wherein the third-party content executable at the provider mobile terminal comprises a selected application program selected from amongst a plurality of application programs and wherein said recipient-terminal downloading connector is actuatable by the recipient-terminal user to select the selected application program from amongst the plurality of application programs.

7. (Original) The apparatus of claim 1 wherein said payment indicator is releasably engageable with the recipient mobile terminal, coupled to said downloading controller when engaged with the recipient mobile terminal.

8. (Previously presented) The apparatus of claim 7 wherein the recipient mobile terminal further comprises a card-member receiving platform and wherein said payment indicator comprises a payment card containing the indicia of the creditworthiness of the recipient-terminal user stored thereon, said payment card releasably positionable at the card-member receiving platform to be coupled to said downloading controller when positioned thereat.

9. (Original) The apparatus of claim 1 wherein said payment indicator comprises electronic-wallet software executable at the recipient mobile terminal.

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10. (Previously presented) The apparatus of claim 1 wherein the selected threshold of creditworthiness is an indication that financial resources are available and at least equal to the cost indicia.

11. -- 13. (Cancelled)

14. (Previously presented) The apparatus of claim 1 wherein the content further has payment account depository indicia associated therewith, the payment account depository indicia indicating the location to which said recipient-terminal downloading connector is to effectuate the second communication link.

15. (Currently Amended) A method for facilitating the selective copying of executable content from a provider mobile terminal to a recipient mobile terminal that is a peer device of the provider mobile terminal, the content including cost indicia, and after copying to be executable at the recipient mobile terminal by a recipient mobile terminal user, said method comprising:

forming a first communication link between the recipient mobile terminal and the provider mobile terminal, wherein the first communication link is a peer-to-peer communication link;

comparing, in the recipient mobile terminal, the indicia of creditworthiness with the cost indicia to determine whether at least a selected threshold of creditworthiness has been met; and

downloading the content by way of the first communication link to the recipient mobile terminal if the indicia of creditworthiness is determined to be at least the selected threshold.

16. (Previously presented) The method of claim 15 wherein the selected threshold of the indicia of creditworthiness is based on whether the user has available financial resources equal to the cost indicia.

17. (Previously presented) The method of claim 15 comprising the additional operation, prior to said operation of comparing, to provide the indicia of creditworthiness to the recipient mobile terminal.

18. (Original) The method of claim 17 wherein said operation of providing the indicia of creditworthiness to the recipient mobile terminal comprises positioning a payment card containing the indicia of creditworthiness therein at the recipient mobile terminal.

19. (Original) The method of claim 17 wherein the indicia of creditworthiness comprises a part of electronic-wallet software executable at the recipient mobile terminal and wherein said operation of providing comprises updating the part of the electronic-wallet software.

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20. (Previously presented) The method of claim 15 wherein the content itself has proprietor indicia associated therewith, the proprietor indicia indicating a payee entity to whom a charge associated with execution of the content is selectably to accrue, and wherein said method further comprises the operations of:

terminating the first communication link;

forming a second communication link between the recipient mobile terminal and a payment account depository associated with the payee entity;

debiting the indicia of creditworthiness for the content downloaded to the recipient mobile terminal; and

crediting the payment account correspondingly.

21. -- 22. (Cancelled)

23. (Currently Amended) A method for distributing content using a plurality of mobile peer devices, each mobile peer device operable in a communication network, said method comprising the steps:

installing the content in a first mobile peer device, the content being associated with ownership indicia, wherein the ownership indicia comprises cost indicia and payment indicia;

receiving, in the first mobile peer device, a request from a second mobile peer device for the ownership indicia associated with the content;

transmitting the ownership indicia from the first mobile peer device to the second mobile peer device;

comparing the cost indicia to creditworthiness indicia associated with the second mobile peer device to determine if the creditworthiness indicia meets a selected threshold; and

copying the content directly from the first mobile peer device to the second mobile peer device via a peer-to-peer communication link if the comparing step at the second mobile peer device determines that the threshold has been met.

24. (Previously presented) The method of claim 23, further comprising the step of effecting payment for the content through the communication network as indicated by the payment indicia.

25. (Previously presented) The method of claim 24, wherein the step of effecting payment through the communication network comprises the step of debiting the creditworthiness indicia in an amount corresponding to the cost indicia.

26. (Previously presented) The method of claim 23, wherein the peer devices operable in a communication network are mobile terminals operable in a mobile telecommunication network.

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27. (Previously presented) The method of claim 23, further comprising the step of executing the content at the first peer device.

Allowable Subject Matter

4. Claims 1-10, 14-20, and 23-27 are allowed over the prior art of record.

5. The following is an examiner's statement of reason for allowance:

The closest prior art of record is U.S. Patent No. 6,223,291 to Puhl et al. and U.S. Patent No. 6,155,484 to Sasaki.

6. Phul teaches a system and method for delivery of content items to a wireless device and conducting wireless electronic commerce in a portable device. Sasakin teaches the use of transportable electronic money card for payments in portable devices as well as transfer of money from one portable device to another. Closest foreign prior art is JP 11143976A to Shigeru Sasaki, which its teachings are the same as above. The non-patent literature cited by the examiner titled "Players Pit Wits Across The Globe" that related to the general state of the art. NPL that has been cited teaches the use of the online gaming and transmission of information amongst players as peer devices as well as centralized computer servers to conduct games and entertainment.

7. None of the prior arts of the record individually or in combination teach the specific step of mobile peer-to-peer device communication in order to transfer a data file or executable content from one to the other along with the amount that is needed to obtain the right of use and checking existence of such level of fund at the second mobile peer device.

8. In regards to independent claims 1 and 15, the closes prior art of record when taken either individually or in combination with other prior arts of record fail to teach or suggest the steps of peer-to-peer mobile devices communication in order to download an executable file from one mobile device to another once the credit worthiness of the downloading mobile device has been determined at the second mobile device that is downloading the executable file. As it is clear in the following specific steps of the claim;

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permitting said recipient-terminal downloading connector to effectuate the first communication link with the provider mobile terminal;

determining whether the indicia of creditworthiness meets a selected threshold;
and

effecting the copying of the content by way of the first communication link if the determination indicates the indicia of creditworthiness meets the selected threshold,

wherein the first communication link is a peer-to-peer communication link;

wherein said downloading controller is resident in the recipient mobile terminal.

9. Claims 2-10 and 14 and are dependent upon independent claim 1 and 16-20 are dependent upon independent claim 15, thus they have all the limitations of claim 1 and 14, therefore, they are allowable for that same reason.

10. In regards to independent claim 23, the closest the closes prior art of record when taken either individually or in combination with other prior arts of record fail to teach or suggest the steps of upon a request by a second mobile device for a content an indicia of ownership is transmitted to the second mobile peer device from the first mobile peer device, which has the ownership information as well as the cost and payment information. At the second mobile peer device it is determined that creditworthiness is equal or greater than the cost of payment, once the determination has been made and it is positive the content can be copied directly from the first mobile peer device to the second mobile peer device. As it has been indicated in the following steps of the claim;

installing the content in a first mobile peer device, the content being associated with ownership indicia, wherein the ownership indicia comprises cost indicia and payment indicia;

receiving, in the first mobile peer device, a request from a second mobile peer device for the ownership indicia associated with the content;

transmitting the ownership indicia from the first mobile peer device to the second mobile peer device;

comparing the cost indicia to creditworthiness indicia associated with the second mobile peer device to determine if the creditworthiness indicia meets a selected threshold; and

copying the content directly from the first mobile peer device to the second mobile peer device via a peer-to-peer communication link if the comparing step at the second mobile peer device determines that the threshold has been met.

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11. Claims 24-27 are dependent upon independent claim 1 and 16-20 are dependent upon 23, therefore, they are allowable for that same reason.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202
Kambiz Abdi**

Examiner

**JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**

February 7, 2005